LEGACIES AND DEVISES — CONSTRUCTION — FORFEITURE ON CONDITION — HAPPENING OF CONDITION IN TESTATRIX'S LIFETIME. — The testatrix ordered her trustee under the will to pay four thousand dollars annually to her son, but provided "that if my son shall marry A, the trustee shall thereafter pay only two thousand dollars, instead of four thousand dollars, per year." The son married A before the testatrix died. A statute provided, "Where a limitation, condition, or future interest is created by will, the death of the testatrix is to be deemed the time of the creation of the limitation, condition, or interest" (CAL. CIV. CODE, § 749). Upon the death of the testatrix, the son claimed to be entitled to four thousand dollars annually. *Held*, that he was. *In re Duffill's Estate*, 183 Pac. (Cal.) 337.

Such a condition in restraint of marriage is valid. *Gillet* v. *Wray*, 1 P. Wms. 284; *In re Nourse*, [1899] 1 Ch. 63. See 4 B. R. C. 64 *et seq.* But the effect of such a forfeiture provision is disputed when the marriage occurs in the testator's lifetime. The gift has been held forfeited where the condition was not in restraint of marriage. *Wynne* v. *Wynne*, 2 Keen, 778; *Metcalfe* v. *Metcalfe*, [1891] 3 Ch. 1. Where the condition is in restraint of marriage, however, there is some support for the rule in the principal case that the gift is not forfeited. *Chapman* v. *Perkins*, 1905 A. C. 106; *Brown* v. *Severson*, 12 Heisk. (Tenn.) 381. But other courts have reached the contrary conclusion. *Phillips* v. *Ferguson*, 85 Va. 509, 8 S. E. 241; *In re King*, [1892] I. L. Rep. 29 Eq. 401; *Greene* v. *Kirkwood*, [1895] 1 I. Rep. 130. On principle, the latter view seems preferable. *Prima facie*, words of futurity should be read as speaking from the date of the execution of the will. See *Perkins* v. *Chapman*, [1904] 1 Ch. 431, 436. The court relied, in the principal case, on the statutory provision, and the fact that the claimant was to receive his annuity from a trustee, whose control over the property dated from the death of the testatrix. But that the interest is to be deemed created at the time of the testatrix's death is not inconsistent with a provision for alternative interests, the ruling one to be determined by a course of events either prior or subsequent to her decease. Nor, since the son was to take in any event, does a provision for payments to him by the trustee under the will indicate that a marriage prior, as well as subsequent, to her death was not contemplated by the testatrix. It seems that the clear intent to reduce the legacy, should a specific union, whenever consummated take place, might properly have been regarded.

MASTER AND SERVANT — WORKMEN'S COMPENSATION ACTS — RETROACTIVE EFFECT OF AN AMENDMENT. — A workman was injured in the course of his employment and rendered physically helpless, so as to require a constant attendant. After the injury occurred an amendment to the Workmen's Compensation Act went into effect, providing that the monthly payment to such a workman "shall be increased $20 per month so long as such requirement shall continue" (WASH., LAWS OF 1917, c. 28). This suit was brought to recover the increased allowance from the date on which the amendment went into effect. *Held*, that the plaintiff recover. *Talbot* v. *Industrial Insurance Commission*, 183 Pac. 84 (Wash.).

Compensation acts, because of their remedial nature, are liberally construed. See *Virginia & Rainy Lake Co.* v. *Dist. Ct.*, 128 Minn. 43, 47, 150 N. W. 211, 213; *J. C. Coakley's Case*, 216 Mass. 71, 73, 102 N. E. 930, 932. But see *Andrejwski* v. *Wolverine Coal Co.*, 182 Mich. 298, 303, 148 N. W. 684, 686. But they are usually held not to operate retroactively. *Western Coal Co.* v. *Corkille*, 96 Ark. 387, 131 S. W. 963; *Wright* v. *So. Ry. Co.*, 123 N. C. 280, 31 S. E. 652; *Stoll* v. *Daly Mining Co.*, 19 Utah, 271, 57 Pac. 295. This accords with the general rule of construction that statutes operate prospectively only, unless the contrary intent of the legislature clearly appears. *Estate of Van Kleeck*, 121 N. Y. 701, 25 N. E. 50. See *Haverhill* v. *Marlborough*, 187 Mass. 150, 155, 72 N. E. 943, 945. The same rule applies to amendments. *Coon* v. *Kennedy*,